Amendments to the Claims

Please cancel claims 1 - 27 and add new claims 28 - 41.

Listing of the Claims:

Claims 1 - 27 (CANCELED)

- 28. (NEW) An apparatus for placement on a heart of a patient to treat a heart condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:
 - (a) a flexible open cell material;
 - (i) said flexible open cell material being pre-formed in a cone-shaped jacket with a base and an apex;
 - (A) said base defining an opening sized to receive a heart;
 - (ii) said cone-shape jacket being sized and adapted to circumferentially surround a heart;
 - (A) said flexible open cell material being sufficiently flexible to move with expansion and contraction of a heart and such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.
- 29. (NEW) An apparatus according to claim 28 wherein:
 - (a) said material is elastic.

30.	(NEW) An apparatus according to claim 28 wherein:
	(a)	said jacket is sized to constrain diastolic expansion beyond a predetermined limit
31.	(NEW) An apparatus according to claim 28 wherein:
	(a)	said material is formed in an open cell construction with a plurality of open cells defined by interconnected, elongated elements.
32.	(NEW) An apparatus according to claim 28 wherein:
	(a)	said jacket is sized to be applied to the epicardium of the heart.
33.	(NEW) An apparatus according to claim 28 wherein:
	(a)	said jacket is sized to be applied to the pericardium of the heart.
34.	(NEW) An apparatus according to claim 28 wherein:
	(a)	said jacket includes a shape memory material.
35.	`	An apparatus for placement on a heart of a patient to treat a heart condition terized at least in part by diastolic expansion of a size of the heart, the apparatus ising:
	(a)	a flexible open cell material;
		(i) said flexible open cell material being pre-formed in a cone-shaped jacket with a base and an apex;

- (A) said base defining an opening sized to receive a heart;
- (B) said cone-shaped jacket being sized and adapted to surround at least a portion of a heart; and
- (C) said flexible open cell material comprising an elastic material that moves with expansion and contraction of a heart.
- 36. (NEW) An apparatus according to claim 35 wherein:
 - (a) said cone-shape jacket is adapted to circumferentially surround a heart; and
 - (b) said elastic material is sufficiently flexible to move with expansion and contraction of a heart such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.
- 37. (NEW) An apparatus according to claim 35 wherein:
 - (a) said jacket is sized to be applied to the epicardium of the heart.
- 38. (NEW) An apparatus according to claim 35 wherein:
 - (a) said jacket is sized to be applied to the pericardium of the heart.
- 39. (NEW) An apparatus according to claim 35 wherein:
 - (a) said jacket includes a shape memory material.
- 40. (NEW) An apparatus according to claim 35 wherein:

- (a) said flexible open cell material has a compliance lower than a compliance of a wall of the heart.
- 41. (NEW) An apparatus according to claim 35 wherein:
 - (a) said jacket is sized to constrain diastolic expansion beyond a predetermined limit.